

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: DEV *et al.*

Application No.: 10/595,691

Confirmation No. 4921

Filed: May 5, 2006

Art Unit: 4173

Examiner: Christopher R. Stone

For: CANCER TREATMENT METHOD

Customer No.: 23347

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This paper is submitted in response to the Office Action mailed November 1, 2007. Early examination of the application on the merits is earnestly solicited.

The Examiner has required the election of an invention from the following two groups:

**Group I:** Claims 3, 4, 11-13, 17, 18, and 21-26

**Group II:** Claims 7, 8, 14-16, 19, and 20

Applicants elect to prosecute the claims of Group I, *i.e.* claims 3, 4, 11-13, 17, 18, and 21-26. Applicants expressly reserve the right to file divisional applications or take such other measures deemed necessary to protect the inventions in the remaining claims.

The Examiner has further required the election of a single species for examination in each of the following categories:

- (a) Compounds of formula II (Applicants note that the Office Action requires an election of a single compound of formula I, but claim 3 recites a compound of formula II; therefore, Applicants presume that an election of a compound of formula II is required)
- (b) PI3K inhibitor or Akt inhibitor (with the further requirement of an election of a single species for the elected class of inhibitor)
- (c) Type of cancer to be treated.

Accordingly, Applicants elect the following species for examination: (a) a compound of formula III; (b) an Akt inhibitor, with the further election of 4-[1-ethyl-7-(piperidin-4-yloxy)-1H-imidazo[4,5-c]pyridin-2-yl]-furazan-3-ylamine as the subspecies of Akt inhibitor; and (c) head and neck cancer.

Should the Examiner have any further questions or comments regarding the prosecution of this case, it is respectfully requested that the Examiner telephone the undersigned agent so that further examination of this application may be expedited.

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,

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